
UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

SUMMONS IN A CIVIL ACTION

CASE NUMBER:

08 CV 02413

JOSE RIVERA,

v.

THE CITY OF NEW YORK AND CORRECTION OFFICER
"JOHN" NICHOLAS, BADGE NUMBER UNKNOWN

JUDGE CHIN

TO: THE CITY OF NEW YORK c/o Michael A. Cardozo, Corporation Counsel, 100
Church Street, New York, New York 10007

CORRECTION OFFICER "JOHN" NICHOLAS, BADGE NUMBER
UNKNOWN, c/o Adolescent Reception and Detention Center, 11-11 Hazen
Street, East Elmhurst, New York 11370.

YOU ARE HEREBY SUMMONED and required to filed with the Clerk of this Court
and serve upon PLAINTIFF'S ATTORNEY (name and address)

TRACIE A. SUNDACK & ASSOCIATES, L.L.C.
19 COURT STREET, 3RD FLOOR
WHITE PLAINS, NEW YORK 10601
914-946-8100

an Answer to the complaint which is herewith served upon you, within 20 days after service of
this summons upon you, exclusive of day of service. If you fail to do so, judgment by default
will be taken against you for the relief demanded in the complaint. You must also file your
answer with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

MAR 10 2008

CLERK

DATE

BY DEPUTY CLERK

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
JOSE RIVERA,

Plaintiff,

-against-

THE CITY OF NEW YORK AND CORRECTION
OFFICER "JOHN" NICHOLAS, BADGE NUMBER
UNKNOWN,

Defendants.
-----X

**COMPLAINT
AND JURY DEMAND**

Plaintiff JOSE RIVERA by his attorneys, TRACIE A. SUNDACK & ASSOCIATES,
L.L.C., complaining of the Defendants, THE CITY OF NEW YORK AND CORRECTION
OFFICER "JOHN" NICHOLAS, BADGE NUMBER UNKNOWN, respectfully alleges as
follows:

PRELIMINARY STATEMENT

1. Plaintiff brings this action for compensatory damages, punitive damages and attorney's fees pursuant to 42 U.S.C. § 1983 and 42 U.S.C. § 1988 for violations of his civil rights, as said rights are secured by said statutes and the Constitutions of the State of New York and the United States. Plaintiff also asserts supplemental state law tort claims.

JURISDICTION

2. This action is brought pursuant to 42 U.S.C. § 1983 and 42 U.S.C. § 1988, and the First, Fourth, Fifth, Sixth, Eight and Fourteenth Amendments to the United States Constitution.

3. Jurisdiction is founded under 28 U.S.C. §§ 1331, 1343 and 1367.

VENUE

4. Venue is properly laid in the Southern District of New York under U.S.C. § 1391(b), in that this is the District in which the claim arose.

JURY DEMAND

5. Plaintiff respectfully demands a trial by jury of all issues in this matter pursuant to Fed. R. Civ. P. 38(b).

08cv02413

CITY OF N.Y. LAW DEPT.
OFFICE OF CORP. COUNSEL
COMMUNICATIONS SECTION
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